

CONFORM & RETURN

**FILED**

JUN 29 2020

HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SNOHOMISH COUNTY

NAZRULLAH CHAUDHRY; and his marital  
community;

Plaintiffs,

v.

WALMART, INC., a foreign for-profit company;  
and John Does 1-5,

Defendants.

NO. 20-2-03444-31

COMPLAINT FOR PERSONAL  
INJURIES.

COMES NOW the plaintiff, by and through her attorney, Mark W.D. O'Halloran and  
Gosanko & O'Halloran, PLLC for cause of action, and state and allege as follows:

I. PLAINTIFFS

1.1 Plaintiff Nasrullah Chaudhry is, and was at all material times, a resident of California.

II. DEFENDANTS

2.1 Defendants Walmart, Inc. ("Walmart") was at all material times believed to be a  
foreign for-profit corporation doing business in Snohomish County, Washington. All acts  
complained of were performed by defendants Walmart in Snohomish County.

2.2 Defendants John Does 1-5 are unknown individuals or entities who may have caused  
or contributed to the events giving rise to this action, or who may have been an employee, contractor,  
employer or principal of the above-named defendants, or an unknown individual who may have been  
acting within the course and scope of his/her employment/agency with the defendant or a different

COMPLAINT FOR PERSONAL INJURIES - 1

GOSANKO & O'HALLORAN, PLLC  
7900 SE 28<sup>th</sup> STREET, SUITE 500  
MERCER ISLAND, WA 98040-6004

(206) 275-0700

1 corporation at the time of the incident alleged. When their identities become known, the Complaint  
2 will be amended to reflect that knowledge.  
3

### 4 III. VENUE AND JURISDICTION

5 3.1 The events forming the basis of each cause of action occurred in Snohomish County  
6 Washington and, therefore, venue is proper in this Court. This Court has jurisdiction over the subject  
7 matter of, and the parties to, this action.

### 8 IV. FACTS OF CAUSE OF ACTION

9 4.1 On or about July 2, 2017, Nasrullah Chaudhry was traveling through Washington State  
10 on a vacation with his family. He went to Walmart at 1400 164<sup>th</sup> SW in Lynwood, Washington to  
11 shop for an automobile battery.

12 4.2 Nasrullah was a business invitee of Walmart.

13 4.3 As Mr. Chaudhry attempted to pick up a car battery, a metal sign fell from above and  
14 landed on his head. Mr. Chaudhry's head split open and began bleeding significantly. Someone  
15 passing by saw Mr. Chaudhry in distress and called for an employee. Someone called 911.

16 4.4 The Walmart employee or a manager gave him her business card, and she told him that  
17 Walmart would pay the bill. Mr. Chaudhry was concerned about riding in the ambulance, so declined  
18 the ride from paramedics. He took the hospital address from paramedics and went to the hospital on  
19 his own with his wife.

20 4.5 The Emergency Room doctors closed his head wound with staples and advised him to  
21 rest. By the next day, Mr. Chaudhry was feeling very dizzy and forgetful, so he returned to the ER,  
22 where they took a CT and provided medications for pain and sleep. He continued to experience  
23 significant symptoms that essentially ruined the remainder of the planned vacation. He could no  
24 longer drive long distances, and he and his family made their way back to California slowly, using  
25 rest stops to sleep along the way. Nas Chaudhry's injuries included headaches, dizziness, memory  
26 loss, focus problems, balance, hearing, vision changes, cuts to his head, neck pain, speaking  
difficulties, extreme fatigue, irritability, and unusual anger.

1           4.6     The actions of Walmart were negligent, falling below the standard of care  
2 required by the laws of the State of Washington. Walmart failed to maintain the store in a proper  
3 condition for the safety of their business invitees, and Walmart failed to exercise reasonable care  
4 under the circumstances.

5           4.7     The injuries to Mr. Chaudhry were solely caused by the negligence of Walmart and its  
6 employees.

7           4.8     As a direct, proximate, and foreseeable result of the negligence of defendants,  
8 Nasrullah Chaudhry suffered injuries that are permanent, painful and progressive, and he has  
9 incurred, and may continue to incur, economic damages, as that term is defined in RCW 4.56.250 that  
10 have not been paid by defendants.

11          4.9     As a further direct, proximate, and foreseeable result of the negligence of defendants,  
12 Nasrullah Chaudhry suffered and continues to suffer non-economic damages, as that term is defined  
13 in RCW 4.56.250, in amounts as will be proved at the time of trial.

14          4.10    Walmart has not paid for the damages caused to Nasrullah Chaudhry.

15          4.11    Nasrullah Chaudhry's wife has a claim for loss of consortium.

16          4.12    Because John Does 1-5 may have caused or contributed to the events giving rise to this  
17 action, or were employees of Walmart or contractors working for Walmart, John Does 1-5 may be  
18 liable to the plaintiff to the full extent as Walmart under individual theories of negligence, or the  
19 theory of respondeat superior or principal/agency.

21           WHEREFORE, the plaintiffs pray for judgment against the defendants, jointly and severally,  
22 as follows:

- 23           A.     For special damages in an amount to be proved at the time of trial;  
24           B.     For general damages in an amount to be proved at the time of trial;  
25           C.     For costs and disbursements, including statutory and reasonable attorney fees;  
26           D.     For pre-judgment interest on all special damages;

- 1  
2       E. For post-judgment interest on the entire judgment until paid in full; and  
3       F. For such other and further relief as the Court may deem just and equitable.

4                     DATED this 18<sup>th</sup> day of June , 2020.

5                     GOSANKO & O'HALLORAN, PLLC  
6

7                     By Mark O'Halloran  
8                     Mark W D .O 'H alloran,W SBA #33149  
9                     A ttorney for Plaintiff  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26